

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-120445
	:	TRIAL NO. B-1004599
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
WILLIAM K. HOGAN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant William K. Hogan pleaded guilty to having a weapon while under a disability, a third-degree felony. The trial court sentenced him to nine months' incarceration and credited him nine months' of time-served. This appeal followed.

In his first assignment of error, Hogan contends that the trial court failed to comply with Crim.R. 11(C)(2)(a) and (b) before accepting his guilty plea. Specifically, Hogan claims that the court failed to inform him of the effect of his guilty plea and also failed to determine if Hogan understood the effect. Although the state concedes error in this regard, the record does not support Hogan's assertions.

During the plea hearing, the trial court personally addressed Hogan and appropriately determined that he understood the nature of the charge against him,

the maximum possible penalty, and that he was voluntarily pleading guilty. The trial court further ensured that Hogan understood the effect of his plea by informing him that he was admitting to the facts of the having-a-weapon-while-under-a-disability charge and that he would be found guilty based on his plea. This was sufficient compliance with Crim.R. 11(C)(2)(a) and (b). We overrule this assignment of error on the authority of *State v. Veney*, 120 Ohio St.3d 176, 2008-Ohio-5200, 897 N.E.2d 621, and *State v. Nero*, 56 Ohio St.3d 106, 564 N.E.2d 474 (1990).

In his second assignment of error, Hogan claims that his trial counsel was ineffective for failing to correct or to call to the trial court's attention the fact that Hogan's plea form stated that the potential sentence for a third-degree felony was six months' incarceration when the minimum was actually nine months' incarceration. While we agree that counsel should have taken steps to correct this error, Hogan cannot demonstrate prejudice as a result of counsel's failure to do so. *See State v. Bradley*, 42 Ohio St.3d 136, 538 N.E.2d 373 (1989), paragraph two of syllabus. We therefore overrule Hogan's second assignment of error.

The judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., HILDEBRANDT and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on March 6, 2013

per order of the court _____.
Presiding Judge